

UNITED STATES OF AMERICA,)
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Plaintiff,)
)
v.)
)
)
No. 3:19-CR-200-TAV-DCP
)
)
HANNAH MICHELE BRASWELL, and)
NENA MARY-THERESE FORTNEY,)
)
Defendants.)

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation as may be appropriate. This case is before the Court on the Defendants' Joint Motion to Continue Motion Deadline and Trial [Doc. 22], filed on December 19, 2019, and asking to continue the January 21, 2020 trial date, as well as the motion deadline in this case. The Defendants state that have yet to receive the discovery in this case, which is being copied onto a hard drive by the case agent. They contend that the discovery is voluminous and includes several videos. The motion relates that the Government is not opposed to the requested continuance. Defense counsel have both filed Notices [Docs. 23 & 24], stating that they have explained the motion and the right to a speedy trial to the Defendants, who understand that all time between the filing of the motion to continue and the new trial date will be fully excludable. The parties have conferred with Chambers and agreed on a new trial date of May 5, 2020.

The Court finds the Defendant's joint motion to continue the trial and other deadlines to be unopposed by the Government and to be well-taken. The Court also finds that the ends of justice

served by granting a continuance outweigh the interest of the Defendant and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The Indictment [Doc. 1] charges the Defendants with conspiring to possess heroin and fentanyl with intent to distribute between January 2018 through May 2019. The Defendants first appeared in this case on November 21, 2019. Defense counsel did not receive all of the discovery in this case, which is voluminous, until early 2020. Defense counsel need additional time to review the discovery, investigate the facts of the case, and evaluate the need for pretrial motions. Counsel also need time to litigate pretrial motions, if any are filed. The Court finds that all of this cannot occur before the January 21 trial date or in less than five months. Accordingly, the Court finds that without a continuance, defense counsel would not have the reasonable time necessary to prepare for trial, despite counsels' exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

The Defendants' joint, unopposed motion [**Doc. 22**] to continue the trial date is **GRANTED**, and the trial is reset to **May 5, 2020**. The Court finds that all the time between the filing of the motion for a continuance on **December 19, 2019**, and the new trial date of **May 5, 2020**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. *See* 18 U.S.C. § 3161(h)(1)(D) & -(7)(A)-(B). With regard to additional scheduling in this case, the deadline for filing pretrial motions is extended to **February 28, 2020**. Responses to pretrial motions are due on or before **March 13, 2020**. The parties are to appear before the undersigned for a motion hearing on **March 25, 2020, at 9:30 a.m.** The deadline for concluding plea negotiations and providing reciprocal discovery is extended to **April 3, 2020**. All motions *in limine* must be filed no later than **April 20, 2020**. If the parties need a final pretrial conference, they must contact the undersigned's Chambers, at least three weeks prior to the trial date, to request

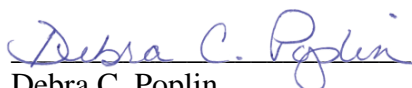
one. Requests for special jury instructions shall be filed no later than **April 24, 2020**, and shall be supported by citations to authority pursuant to Local Rule 7.4.

Accordingly, it is **ORDERED** as follows:

- (1) The Defendants' Joint Motion to Continue Motion Deadline and Trial [**Doc. 22**] is **GRANTED**;
- (2) The trial of this matter is reset to commence on **May 5, 2020, at 9:00 a.m.**, before the Honorable Thomas A. Varlan, United States District Judge;
- (3) All time between the filing of the motion on **December 19, 2019**, and the new trial date of **May 5, 2020**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) The deadline for filing pretrial motions is extended to **February 28, 2020**. Responses to pretrial motions are due on or before **March 13, 2020**;
- (5) The parties are to appear before the undersigned for a hearing on all pending pretrial motions on **March 25, 2020, at 9:30 a.m.**;
- (6) The deadline for concluding plea negotiations and providing reciprocal discovery is extended to **April 3, 2020**;
- (7) Motions *in limine* must be filed no later than **April 20, 2020**; and
- (8) Requests for special jury instructions with appropriate citations shall be filed by **April 24, 2020**.

IT IS SO ORDERED.

ENTER:



Debra C. Poplin
United States Magistrate Judge